



REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

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Renne M.F. Wyzykowski
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Application Number : 09/440,148
Filing Date : November 15, 1999
Inventor(s) : Yiwei Thomas Hou, et al.
Title : SERVER-BASED NETWORK PERFORMANCE METRIC
GENERATION SYSTEM AND METHOD
Group Art Unit : 2667
Examiner Name : Kamran Emdadi
Docket No. : 35400/DMC/F179
Date: August 25, 2003

MAIL TO: Mail Stop RCE

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:

- a. ☒ Pending (no review proceedings active)
- (1) ☒ An Action was mailed by the Office on April 24, 2003, as to which no appeal under 37 CFR § 1.191 has been filed and
- _____ a response under 37 CFR § 1.116 was mailed on
- _____ via Express Mail
- _____ with certificate of mailing under 37 CFR § 1.8
- ☒ that Action was a Final Rejection, the finality of which is to be withdrawn by this Request
- _____ an appeal or civil action under 35 U.S.C. 141, 145 or 146 has been terminated
- (2) _____ Allowed: the Notice of Allowance was mailed by the Office on
- _____ the Issue Fee has not been paid
- _____ the Issue Fee has been paid and a petition under 37 CFR § 1.313 was granted on
- b. _____ Pending (with review proceeding active)
- An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

2. SUBMISSION(S) REQUIRED (check at least one)

- a. Previously submitted
- _____ Consider the amendments/reply under 37 CFR § 1.116 previously filed on
- _____ Consider the arguments in the Appeal or Reply Brief previously filed on
- _____ Other:

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b. Enclosed

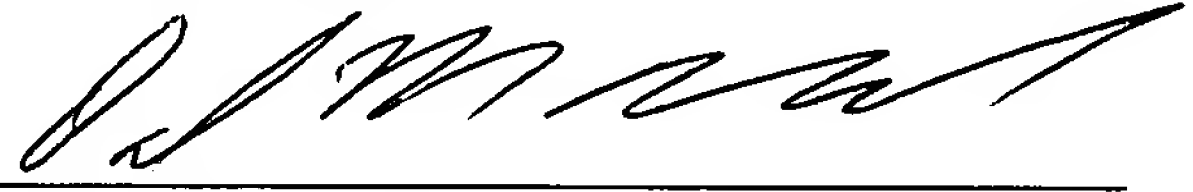
- | | |
|--------------|----------------------------------|
| <u> X </u> | Amendment/Reply |
| <u> </u> | Affidavit(s)/Declaration(s) |
| <u> </u> | Information Disclosure Statement |
| <u> </u> | Documents under 37 CFR § 1.48 |
| <u> X </u> | Petition for Extension of Time |
| <u> </u> | Other: |

The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submissions(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please address all correspondence to **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Daniel M. Cavanagh
Reg. No. 41,661
626/795-9900

DMC/rmw

**REQUEST FOR CONTINUED EXAMINATION (RCE)
FEE CALCULATION SHEET**

Application No. 09/440,148

PART I — BASIC FEE

BASIC FEE	Small Entity \$375.00	Large Entity \$750.00	\$750.00
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PART II — ADDITIONAL CLAIMS (compared to application before RCE)

	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims	43	*39	4	x \$9.00	4 x \$18.00	\$72.00
Independent Claims	9	**9	0	x \$42.00	0 x \$84.00	-0-
First Presentation of Multiple Dependent Claim				\$140.00	\$280.00	-0-
TOTAL CLAIMS FEE						\$72.00
List Independent Claims: 1, 12, 14, 17, 25, 27, 28, 34, 37						
* IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE. ** IF THE HIGHEST NUMBER PREVIOUSLY PAID OR IS 3 OR LESS, WRITE "3" IN THIS SPACE.						

1. FEES (The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)

a. Amount (total from Fee Calculation Sheet)

A check for \$822.00 is enclosed.

b. X The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. A duplicate copy hereof is enclosed.

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